

August 10, 2005

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, D.C. 20554

RE: Subscriber Notification and Acknowledgement Status and Compliance Report  
of Nuvio Corporation, WC Docket No. 05-196

Dear Ms. Dortch:

Nuvio Corporation ("Nuvio"), through its undersigned counsel and in compliance with the Commission's *VoIP E911 Order* ("Order") and the Public Notice issued by the Enforcement Bureau on July 26, 2005 ("Public Notice"), submits this report to advise the Commission of the status of Nuvio's efforts to comply with Commission Rule 9.5(e).

As required by the Public Notice, Nuvio responds to the following questions set out in the Public Notice:

**1) A detailed description of all actions the provider has taken to specifically advise every subscriber, prominently and in plain language, of the circumstances under which E911 service may not be available through the interconnected VoIP service and/or may be in some way limited by comparison to traditional E911 service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers.**

Currently, Nuvio notifies customers of their obligation to provide affirmative acknowledgement via e-mail, postal mail and website posting. Nuvio has taken the following steps to provide the notifications to all of the Company's customers, new and existing, required under Rule 9.5(e)(1):

- NuvioCentrex Accounts: The administrator for each of the Company's Centrex-type accounts (multi-line, multi-phone business customers) was notified via e-mail on July

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15, 20, and 26, 2005. Each e-mail contains an Internet hyperlink loaded from the Nuvio web-server that takes the customer to a web page with the E911 customer notification and requests the customer's affirmative acknowledgement. When a particular Centrex customer did not respond to the e-mail notification by July 21, 2005, Nuvio provided notice through postal mail on July 23 and 25. Nuvio provides service to its Centrex customer only after such customer signs a Master Service Agreement ("MSA"). As part of that MSA, Nuvio informs its customers of the 911 limitations associated with its service. For Centrex customers that signed up for Nuvio's service prior to the Commission's adoption of the *VoIP E-911 Order*, the e-mail and postal mail described in this paragraph are in addition to the 911 disclosure set out in the MSA.

- E-Mail: All Nuvio customer accounts were e-mailed a copy of the Company's customer notification of 911 and E911 service limitations on July 15, 20, 26, and 29, 2005. Each e-mail contains an Internet hyperlink loaded from the Nuvio web-server that takes the customer to a web page with the E911 customer notification and requests the customer's affirmative acknowledgement.
- Postal Mail: A paper notice containing the Company's customer notification was mailed July 23 and 25, 2005 via the U.S. Postal Service or an equivalent service to all customers. The notice contains several different options for the user to acknowledge receipt of the notice. Specifically, customers may 1) go to Nuvio's website, 2) dial a toll-free number and enter a unique identifier, 3) return a signed form via fax, or 4) return a signed form via postal mail.
- Website: As of July 14, 2005, Nuvio directs customers who have not yet provided an acknowledgement and who are attempting to log on to their account to the notification and acknowledgement on Nuvio's website. Nuvio's subscribers cannot access their account without first providing the acknowledgement.

**2) A quantification of how many of the provider's subscribers, on a percentage basis, have submitted an affirmative acknowledgement, as of the date of the report, and an estimation of the percentage of subscribers from whom they do not expect to receive an acknowledgement by August 29, 2005.**

As of August 8, 2005, Nuvio has obtained affirmative acknowledgement from approximately 76% of its subscriber base. Nuvio cannot predict with precision what its final response rate will be.

**3) A detailed description of whether and how the provider has distributed to all subscribers warning stickers or other appropriate labels warning subscribers if E911 service may be limited or not available and instructing the subscriber to place them on and/or near the customer premises equipment used in connection with the interconnected VoIP service.**

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**This information should include, but is not limited to, relevant dates and methods of contact with subscribers (i.e. e-mail, U.S. mail).**

Nuvio has distributed warning labels to all of its existing subscribers. Those labels, along with appropriate instructions that advise the subscriber to place the labels on or near the customer premises equipment, were mailed to subscribers by letters sent on July 23 and 25, 2005. Nuvio also mailed or included with equipment shipments warning labels and instructions to new subscribers who signed up for service beginning on July 14, 2005.

**4) A quantification of how many subscribers, on a percentage basis, to whom the provider did not send the advisory described in [Question 1] and/or to whom the provider did not send warning stickers or other appropriate label as identified in [Question 3].**

Nuvio has sent advisories and warning labels to 100% of its subscribers.

**5) A detailed description of any and all actions the provider plans on taking towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory, including, but not limited to, disconnecting the subscriber's VoIP service with the Company no later than August 30, 2005.**

Nuvio is continuing its campaign to contact and obtain affirmative acknowledgment from all of its subscribers. Nuvio expects to continue to send out e-mails every week and to continue to restrict account access of subscribers who have not yet submitted an affirmative acknowledgment until August 29, 2005. In addition, Nuvio is calling subscribers who have not yet provided acknowledgements.

As detailed in response to Question 2, Nuvio expects that despite its diligent efforts, the Company will not be able to obtain affirmative acknowledgement from some of its subscribers by August 29, 2005. For those customers that do not provide affirmative acknowledgement, on August 30, 2005, Nuvio currently plans to: (1) restrict the outgoing calling capability of its subscribers' VoIP service such that customers will be required to listen to an E-911 disclosure in its entirety and provide affirmative acknowledgement prior to regaining the ability to make calls to PSTN users; or (2) disconnect customers until affirmative acknowledgement is provided.

**6) A detailed description of how the provider is currently maintaining any acknowledgements received from its subscribers.**

Nuvio has developed a database that records and tracks all of its customers' affirmative acknowledgments. When an acknowledgment is received by any method, it is logged in the database. For customers that are contacted by e-mail, the e-mail contains an Internet hyperlink loaded from the Nuvio web-server that is coded with a unique identifier to permit tracking of receipt of the e-mail. The code uniquely identifies each e-mail address and user account. When the user affirmatively acknowledges the E-911 notice, the user account number, name, date and time of acknowledgement is recorded. For any customer e-mails that are undeliverable, a

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notation is made in the Company's E911 compliance database and the customer is targeted for alternative means of contact.

For Nuvio customers that provide affirmative acknowledgements either by returning forms included with the notice sent out by postal mail or faxing such forms back to Nuvio, customer service representatives manually update the Company's E-911 compliance database.

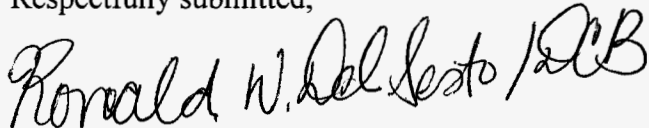
For customers that provide affirmative acknowledgement by calling the toll-free number, Nuvio records the affirmative acknowledgement by having subscribers enter a unique code that is listed on the postal mail notification. The code uniquely identifies each e-mail address and user account.

Finally, for customers that provide affirmative acknowledgement in order to access their account on Nuvio's website, a unique code identifies the user's account and is recorded with the date and time.

**7) The name, title, address, phone number, and e-mail address of the person(s) responsible for the Company's compliance efforts with the VoIP E911 Order.**

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Vice President of Operations  
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Suite 450  
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(816) 444-4422  
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Respectfully submitted,

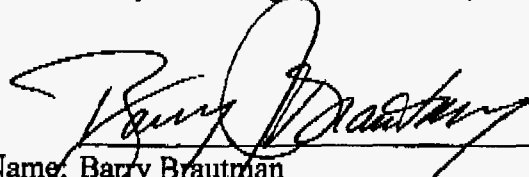
A handwritten signature in black ink, appearing to read "Russell M. Blau".

Russell M. Blau  
Ronald W. Del Sesto, Jr.

Counsel for Nuvio Corporation

cc: Byron McCoy  
Kathy Berthot  
Janice Myles  
Best Copy and Printing, Inc.

I, Barry Brautman, state that I am Vice President of Operations of Nuvio Corporation; that I am authorized to submit this report on behalf of Nuvio Corporation; that the foregoing filing was prepared under my direction and supervision; and I declare under penalty of perjury that this report is true and correct to the best of my knowledge, information, and belief.

A handwritten signature in black ink, appearing to read "Barry Brautman", is written over a horizontal line.

Name: Barry Brautman

Title: Vice President of Operations  
Nuvio Corporation